

Remarks/Arguments:

The applicants appreciate the time and effort Examiners Mahafkey and Hendricks spent preparing for the in-person interview on 26 April 2006, especially considering that the application is currently under Final rejection and the Examiners inherited this case from a previous Examiner.

Consistent with the Examiner Interview, the applicants have amended to claims for clarity and re-emphasized the patentability of the claims over the art of record set forth in the Final Office Action, particularly with respect to the teachings of De Castro.

Claims 1, 2, 9-11, 13, 14, 20-22, 25, 27, 29, 30, 33, and 34 are amended. Claims 20-22 and 25 are amended to correct for improper dependency, as noted by Examiner Mahafkey. The amendments to the claims clarify that which the applicants regard as the invention. The applicants submit that these amendments do not alter the scope of the claims but are being made to merely clarify the claims.

The amendments to the claims are particularly directed to address the concerns expressed by the Examiners during the Examiner interview, that is: 1) the apparent disconnect between the ligand exchange reaction and the gaseous substance; 2) the clarity of claims 22 and 33; and 3) the issue with the claims dependencies. The applicants have addressed these concerns with the claim amendments and have reviewed all of the claims for clarity. First, the applicants have clarified that the "sensor [is] for detecting a gaseous substance resulting from food spoilage within food packaging, opening of the food packaging, or compromise of the food packaging ..." (emphasis added). For further clarification, the claim now recites that the "[metal co-ordinated] complex, upon exposure to the gaseous substance resulting from food spoilage within the food packaging, the opening of the food packaging, or the compromise of the food packaging, undergoes a ligand exchange reaction by the binding of the gaseous substance to the metal(s) atom of the complex to release a detectable component." (emphasis added). Second, the applicants have addressed the overall clarity of the claims by simply rearranging the order of the elements in the claims.

The applicants also appreciate Examiner Mahafkey's guidance provided on 9 May 2006. In response to the Examiner's comments, the word "preferential" has been removed from the claims as unnecessary, and the various causes of the presence of gaseous substance have been identified by number in claims 1 and 9. Examiner Mahafkey also asked about the use of the term "detectable component." Aspects of the detectable component are described in the application at page 2, lines 2-5 and page 3, lines 10-20. As can be appreciated from the

description, exemplary detectable components are those which undergo a color change under visible or non-visible light. It is submitted that the use of this term is appropriate.

Finally, the applicants have amended claims 22 and 33 and have added claims 37 and 38 to be directed to the other embodiment disclosed at page 3, lines 22-26, namely that the composition switches "on" at a given level. Support for newly added claims 39-42 can be found in the specification at page 2, lines 26-31 and at page 5, lines 1-9.

The applicants believe that entry of these amendments will place the application in a condition for allowance.

For completeness, the applicants note that claims 1 and 13 have also been amended to return to the original transition language of "comprising" instead of "consisting of" when setting forth the elements of the sensor composition. The amendment was made in a response submitted on May 10, 2004, to overcome a rejection based on Wolfbeis et al. (U.S. Patent No. 5,407,829) in view of Moretti. The argument made in connection with that amendment is withdrawn, and is not needed in view of the points made at the Examiner Interview.

The amendments to the claims clarify the relationship between the ligand exchange reaction and the detection of food spoilage, as recommended by the Examiners. Moreover, the overall coherency of the claims has been improved with the current amendments. The applicants submit that these amendments place the claims in a condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,



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